

REMARKS

Claims 1-36 are pending in the application.

The Office Action indicates that the Information Disclosure Statement (IDS) did not include a legible copy of each foreign patent document. Applicant contends that copies of the cited foreign patent documents were submitted with the Information Disclosure Statement, as is evidenced by the enclosed copy of a return postcard acknowledging receipt of the IDS references. Nonetheless, Applicant re-submits copies of the cited foreign patent documents, particularly a European Search Report dated June 6, 2001, and International Application No. WO 98/30059.

The Office Action acknowledges Applicant's claim to foreign priority, but indicates that a certified copy of the priority document was not filed. Applicant contends that a certified copy of the priority document, namely European Application No. 00309851.4, was filed and received by the Office. The filing and receipt of the priority document are shown by the enclosed copy of a cover sheet of the priority document, and a copy of the return postcard acknowledging receipt of the priority document.

The specification is amended to include headings as suggested by the Office Action.

Claims 1-22, 26, 29, 30, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,028,842 to Chapman et al, hereinafter "Chapman". Claims 1 and 36 are independent claims. Applicant respectfully traverses this rejection.

Claim 1 provides a method of classifying data traffic in a packet-based communications network conveying different classes of data. The method includes the steps of (a) monitoring a communications network for data traffic to identify a sequence of data packets of unknown class transmitted between a source address and a

destination address, (b) measuring at least one parameter of at least a significant part of the packet sequence, and (c) deriving from the measured parameter a probable classification of the data conveyed in the packet sequence. The parameter is any one of: coding attributes of packets in the sequence, type of transport protocol used, type of error protection protocol used, duration of said sequence, and correlation between traffic in the sequence and traffic in a further sequence being transported from the destination address back to the source address.

Chapman discloses a method and apparatus for monitoring and classifying traffic into one of a plurality of preset classes according to a set of classification parameters, for controlling delivery of the traffic downstream according to quality of service (QoS) parameters specified by the dynamically selected class (col. 2, lines 25-32).

Chapman discloses, in a first step, that every "packet of an input stream is inspected and identified at 12 using, for example, IP addresses, ports and protocols" (col. 3, lines 11-13). It appears that, in this first step, the Examiner has inferred that the header of a packet is checked. In a second step, a "controller 14 characterises the flow (using rate, duration, etc) and assigns it a class" (col. 3, lines 13-14). Clearly, the inspection/identification stage and the characterization stage are separate steps that do not depend on one another.

The passage identified by the Examiner **does not disclose derivation of a probable classification from the measured parameter**, as recited in claim 1. The Examiner contends that Chapman discloses checking a header of a packet and classifying the packet based on the header. However, Chapman discloses the steps of identification, i.e., checking the header, as separate and independent from the step of classifying. Therefore, even if "checking the header" is equated with measuring a parameter, Chapman does not disclose that the classification step depends on the measured parameter, as recited in claim 1. Thus, Chapman does not disclose "deriving from the measured parameter a probable classification of the data conveyed in the packet sequence," as recited in claim 1.

Furthermore, Chapman discloses that identifying real-time traffic is a two-stage process. The first stage involves identifying whether or not UDP is used for transmission error coding (col. 4, line 44 through col. 5, line 50). Chapman then discloses, in col. 5, line 50 through col. 6, line 8, two possible ways of identifying a second criterion, namely the self-clocked nature of real-time packet flows. An analytical technique, involving measurement of inter-packet arrival times, is preferred.

However, the above two-stage process, while adequate for detecting real-time flows for a routing engine, would be unacceptably inaccurate for recognition of real-time packet flows for other applications, for example billing purposes. In particular, misclassification of packet flows is quite possible when using the real-time flow test of Chapman. Thus, according to Applicant's technical expert, in order to ascertain whether or not UDP is being employed, a person skilled in the art would read Chapman as instructing **to only analyze a first packet received**, as UDP employment is a first indicator of real-time packet flows according to Chapman. No further verification of subsequent packets for use of UDP is carried out.

Therefore, Chapman discloses only analyzing a first packet of a packet flow. However, claim 1 provides that measurement is performed on at least one parameter of **at least a significant part of the packet sequence**. As stated above, only an initial verification for UDP is made. The importance of carrying out this measurement over at least a significant part of the packet sequence is particularly pertinent for other types of measurements, i.e. those that do not simply check for the use of UDP as the transmission error coding.

Chapman does not disclose or suggest a method of classifying data traffic including "measuring at least one parameter of at least a significant part of the packet sequence," or "deriving from the measured parameter a probable classification of the data conveyed in the packet sequence," as recited in claim 1. Thus, Chapman fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over

Chapman.

Claims 2-22, 26, 29, 30 and 34 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 2-22, 26, 29, 30 and 34 are patentable over Chapman.

Claim 36 recites features similar to that recited in claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claim 36 is patentable over Chapman.

For the reasons set forth above, the rejection of claims 1-22, 26, 29, 30, 34 and 36 under 35 U.S.C. 102(b) as anticipated by Chapman is overcome. Applicant respectfully requests that the rejection of claims 1-22, 26, 29, 30, 34 and 36 be reconsidered and withdrawn.

Claims 23-25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of U.S. Patent No. 6,597,600 to Rueda et al., hereinafter "Rueda". Applicant respectfully traverses this rejection.

As discussed above, Chapman does not disclose or suggest a method of classifying data traffic including "measuring at least one parameter of at least a significant part of the packet sequence," or "deriving from the measured parameter a probable classification of the data conveyed in the packet sequence," as recited in claim 1. Thus, Chapman fails to disclose or suggest the elements of claim 1.

Applicant does not believe that Rueda makes up for the deficiencies of Chapman, as it applies to claim 1. Accordingly, Applicant submits that claim 1 is patentable over the cited combination of Chapman and Rueda.

Claims 23-25 and 27-28 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 23-25 and 27-28 are

patentable over the cited combination of Chapman and Rueda.

For the reasons set forth above, the rejection of claims 23-25 and 27-28 under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Rueda is overcome. Applicant respectfully requests that the rejection of claims 23-25 and 27-28 be reconsidered and withdrawn.

Claims 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of U.S. Patent No. 6,640,248 to Jorgenson, hereinafter "Jorgenson". Applicant respectfully traverses this rejection.

As discussed above, Chapman does not disclose or suggest the elements of claim 1. Applicant does not believe that Jorgenson makes up for the deficiencies of Chapman, as it applies to claim 1. Accordingly, Applicant submits that claim 1 is patentable over the cited combination of Chapman and Jorgenson.

Claims 31 and 35 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 31 and 35 are patentable over the cited combination of Chapman and Jorgenson.

For the reasons set forth above, the rejection of claims 31 and 35 under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Jorgenson is overcome. Applicant respectfully requests that the rejection of claims 31 and 35 be reconsidered and withdrawn.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of U.S. Patent No. 6,651,099 to Dietz et al., hereinafter "Dietz". Claims 32 and 33 depend from claim 1. Applicant respectfully traverses this rejection.

As discussed above, Chapman does not disclose or suggest the elements of claim 1. Applicant does not believe that Dietz makes up for the deficiencies of

Chapman, as it applies to claim 1. Accordingly, Applicant submits that claim 1 is patentable over the cited combination of Chapman and Dietz.

Claims 32 and 33 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 32 and 33 are patentable over the cited combination of Chapman and Dietz.


For the reasons set forth above, the rejection of claims 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Dietz is overcome. Applicant respectfully requests that the rejection of claims 32 and 33 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

Date: _____

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